

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMOND STATE SALVAGE
COMPANY, INC.

ESTATE OF HERBERT SHERR,
NANCY SHERR, AS EXECUTRIX
FOR THE ESTATE OF HERBERT SHERR,
BARBARA SHERR KLEGER,

and

DELMARVA POWER & LIGHT COMPANY,

Defendants.

Civil Action No.: 05-76-KAJ

**PLAINTIFF UNITED STATES OF AMERICA'S
MOTION TO ENTER CONSENT DECREE**

On June 29, 2006, Plaintiff United States of America, on behalf of the United States Environmental Protection Agency ("EPA"), lodged a proposed Consent Decree with this Court. This Consent Decree resolves claims of the United States under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, against defendant Diamond State Salvage Company, Inc. A previously entered Consent Decree in this case resolved the claims of the United States under CERCLA against the Estate of Herbert Sherr, Nancy Sherr, as Executrix for the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light Company.

Pursuant to Department of Justice policy at 28 C.F.R. § 50.7, notice of the proposed Consent Decree was published in the Federal Register on July 12, 2006 (71 Fed. Reg. 39363), and the public was provided thirty (30) days in which to comment on the proposed Decree.

The time period for public comment has expired and the Department of Justice has not received any comments on the proposed Decree. Pursuant to Paragraph 56 of the proposed Consent Decree, the Settling Defendants have consented to entry of the Consent Decree. Therefore, the United States now respectfully moves this Court to sign and enter the proposed Consent Decree lodged with the Court on June 29, 2006.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Patricia C. Hannigan, hereby certify that on **August 15, 2006**, I electronically filed the foregoing **PLAINTIFF UNITED STATES OF AMERICA'S MOTION TO ENTER CONSENT DECREE** with the Clerk of the Court using CM/ECF. Notification of such filing will be served by First Class Mail on the following:

Glen Harris, Esquire
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Secretary of State
Division of Corporations
401 Federal Street, Suite 4
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Barbara Sherr Kleger
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Notification of filing will be hand-delivered to the following:

PHI Service Company
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